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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DIVISION

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
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Diana G. Shrubshell
P.O. Box 39277
San Antonio, TX 78218
(Name of plaintiff or plaintiffs)

Civil Action Number:

SA09CA0991
(Case Number to be supplied
by the Intake Clerk)

FB

v.

Red Cats, USA
3150 Pat Booker Rd.
Universal City, TX. ~~78218~~ 78148
(Name of defendant or defendants)

COMPLAINT

1. This action is brought by Diana G. Shrubshell, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☐ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).

2. Defendant Red Cats, USA (Defendant's name) lives at, or its business is located at 3150 Pat Booker Rd (street address), Universal City (city), Texas (state), 78148 (zip).

3a. Plaintiff sought employment from the defendant or was employed by the defendant at Red Cats, USA (street address), 3150 Pat Booker (city), Texas (state), 78148 (zip).

- 3b. At all relevant times of claim of discrimination, Defendant employed _____ (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had _____ (#) members.

4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about _____ (month) _____ (day) _____ (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: _____

5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about July (month) 10 (day) 2009 (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a **Notice of Right to Sue** which was received by plaintiff on Sept. (month) 24th (day) 2009 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE: PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☐ Yes
☒ No

VERY IMPORTANT NOTE: IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☐ Race (If applicable, state race) _____
- ☐ Color (If applicable, state color) _____
- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) _____
- ☐ Religion (If applicable, state religion) _____
- ☐ National Origin (If applicable, state national origin) _____
- ☐ Age (If applicable, state date of birth) _____
- ☐ Disability (If applicable, state disability) _____

- ☐ Prior complaint of discrimination or opposition to acts of discrimination.
(Retaliation) (If applicable, explain events of retaliation)

I was wrongfully terminated while
on FMLA and have a right to sue
in federal court -

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☐ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☐ other (specify) _____

- 8a. State **specifically** the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

VERY IMPORTANT NOTE: INCLUDE SPECIFIC DATES, SPECIFIC EVENTS,
AND ANY SPECIFIC COMMENTS MADE BY
DEFENDANT PERTAINING TO THE
DISCRIMINATION CLAIM ALLEGED ABOVE.

- 8b. List any **witnesses** who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Not sure - was ill at the time -

- 8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove:

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☐ still being committed by defendant.
- ☐ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.
- ☐ Defendant be directed to re-employ plaintiff.
- ☐ Defendant be directed to promote plaintiff.

☐ Defendant be directed to Sue for Back pay
all Back pay and Damages
all

_____, and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

12/14/09
Date

Stana H. Halphall
Signature of Plaintiff

PO Box 39277
Address of Plaintiff

S. A. TX 78218
City State Zip Code

(210) 897-2050
Telephone Number(s)